



Sen. Michael E. Hastings

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LRB098 06361 OMW 45205 a

1 AMENDMENT TO HOUSE BILL 2408

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2408 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing  
5 Section 6z-64 as follows:

6 (30 ILCS 105/6z-64)

7 Sec. 6z-64. The Workers' Compensation Revolving Fund.

8 (a) The Workers' Compensation Revolving Fund is created as  
9 a revolving fund, not subject to fiscal year limitations, in  
10 the State treasury. The following moneys shall be deposited  
11 into the Fund:

12 (1) amounts authorized for transfer to the Fund from  
13 the General Revenue Fund and other State funds (except for  
14 funds classified by the Comptroller as federal trust funds  
15 or State trust funds) pursuant to State law or Executive  
16 Order;

1           (2) federal funds received by the Department of Central  
2 Management Services (the "Department") as a result of  
3 expenditures from the Fund;

4           (3) interest earned on moneys in the Fund;

5           (4) receipts or inter-fund transfers resulting from  
6 billings issued to State agencies and universities for the  
7 cost of workers' compensation services that are not  
8 compensated through the specific fund transfers authorized  
9 by this Section, if any;

10          (5) amounts received from a State agency or university  
11 for workers' compensation payments for temporary total  
12 disability, as provided in Section 405-105 of the  
13 Department of Central Management Services Law of the Civil  
14 Administrative Code of Illinois; and

15          (6) amounts recovered through subrogation in workers'  
16 compensation and workers' occupational disease cases.

17          (b) Moneys in the Fund may be used by the Department for  
18 reimbursement or payment for:

19           (1) providing workers' compensation services to State  
20 agencies and State universities; or

21           (2) providing for payment of administrative and other  
22 expenses (and, beginning January 1, 2013, fees and charges  
23 made pursuant to a contract with a private vendor) incurred  
24 in providing workers' compensation services. The  
25 Department, or any successor agency designated to enter  
26 into contracts with one or more private vendors for the

1 administration of the workers' compensation program for  
2 State employees pursuant to subsection 10b of Section  
3 405-105 of the Department of Central Management Services  
4 Law of the Civil Administrative Code of Illinois, is  
5 authorized to establish one or more special funds, as  
6 separate accounts provided by any bank or banks as defined  
7 by the Illinois Banking Act or any savings and loan  
8 association or associations as defined by the Illinois  
9 Savings and Loan Act of 1985, to be held by the Director  
10 outside of the State treasury, for the purpose of receiving  
11 the transfer of moneys from the Workers' Compensation  
12 Revolving Fund. The Department may promulgate rules  
13 further defining the methodology for the transfers. Any  
14 interest earned by moneys in the funds or accounts shall be  
15 deposited into the Workers' Compensation Revolving Fund.  
16 The transferred moneys, and interest accrued thereon,  
17 shall be used exclusively for transfers to contracted  
18 private vendors or their financial institutions for  
19 payments to workers' compensation claimants and providers  
20 for workers' compensation services, claims, and benefits  
21 pursuant to this Section and subsection 9 of Section  
22 405-105 of the Department of Central Management Services  
23 Law of the Civil Administrative Code of Illinois. The  
24 transferred moneys, and interest accrued thereon, shall  
25 not be used for any other purpose including, but not  
26 limited to, reimbursement or payment of administrative

1 fees due the contracted vendor pursuant to its contract or  
2 contracts with the Department.

3 (c) State agencies may direct the Comptroller to process  
4 inter-fund transfers or make payment through the voucher and  
5 warrant process to the Workers' Compensation Revolving Fund in  
6 satisfaction of billings issued under subsection (a) of this  
7 Section.

8 (d) Reconciliation. For the fiscal year beginning on July  
9 1, 2004 only, the Director of Central Management Services (the  
10 "Director") shall order that each State agency's payments and  
11 transfers made to the Fund be reconciled with actual Fund costs  
12 for workers' compensation services provided by the Department  
13 and attributable to the State agency and relevant fund on no  
14 less than an annual basis. The Director may require reports  
15 from State agencies as deemed necessary to perform this  
16 reconciliation.

17 (d-5) Notwithstanding any other provision of State law to  
18 the contrary, on or after July 1, 2005 and until June 30, 2006,  
19 in addition to any other transfers that may be provided for by  
20 law, at the direction of and upon notification of the Director  
21 of Central Management Services, the State Comptroller shall  
22 direct and the State Treasurer shall transfer amounts into the  
23 Workers' Compensation Revolving Fund from the designated funds  
24 not exceeding the following totals:

25	Mental Health Fund .....	\$17,694,000
26	Statistical Services Revolving Fund .....	\$1,252,600

1	Department of Corrections Reimbursement	
2	and Education Fund .....	\$1,198,600
3	Communications Revolving Fund .....	\$535,400
4	Child Support Administrative Fund .....	\$441,900
5	Health Insurance Reserve Fund .....	\$238,900
6	Fire Prevention Fund .....	\$234,100
7	Park and Conservation Fund .....	\$142,000
8	Motor Fuel Tax Fund .....	\$132,800
9	Illinois Workers' Compensation	
10	Commission Operations Fund .....	\$123,900
11	State Boating Act Fund .....	\$112,300
12	Public Utility Fund .....	\$106,500
13	State Lottery Fund .....	\$101,300
14	Traffic and Criminal Conviction	
15	Surcharge Fund .....	\$88,500
16	State Surplus Property Revolving Fund .....	\$82,700
17	Natural Areas Acquisition Fund .....	\$65,600
18	Securities Audit and Enforcement Fund .....	\$65,200
19	Agricultural Premium Fund .....	\$63,400
20	Capital Development Fund .....	\$57,500
21	State Gaming Fund .....	\$54,300
22	Underground Storage Tank Fund .....	\$53,700
23	Illinois State Medical Disciplinary Fund .....	\$53,000
24	Personal Property Tax Replacement Fund .....	\$53,000
25	General Professions Dedicated Fund .....	\$51,900
26	Total	\$23,003,100

1 (d-10) Notwithstanding any other provision of State law to  
 2 the contrary and in addition to any other transfers that may be  
 3 provided for by law, on the first day of each calendar quarter  
 4 of the fiscal year beginning July 1, 2005, or as soon as may be  
 5 practical thereafter, the State Comptroller shall direct and  
 6 the State Treasurer shall transfer from each designated fund  
 7 into the Workers' Compensation Revolving Fund amounts equal to  
 8 one-fourth of each of the following totals:

9	General Revenue Fund .....	\$34,000,000
10	Road Fund .....	\$25,987,000
11	Total	\$59,987,000

12 (d-12) Notwithstanding any other provision of State law to  
 13 the contrary and in addition to any other transfers that may be  
 14 provided for by law, on the effective date of this amendatory  
 15 Act of the 94th General Assembly, or as soon as may be  
 16 practical thereafter, the State Comptroller shall direct and  
 17 the State Treasurer shall transfer from each designated fund  
 18 into the Workers' Compensation Revolving Fund the following  
 19 amounts:

20	General Revenue Fund .....	\$10,000,000
21	Road Fund .....	\$5,000,000
22	Total	\$15,000,000

23 (d-15) Notwithstanding any other provision of State law to  
 24 the contrary and in addition to any other transfers that may be  
 25 provided for by law, on July 1, 2006, or as soon as may be  
 26 practical thereafter, the State Comptroller shall direct and

1 the State Treasurer shall transfer from each designated fund  
2 into the Workers' Compensation Revolving Fund the following  
3 amounts:

4	General Revenue Fund .....	\$44,028,200
5	Road Fund .....	\$28,084,000
6	Total	\$72,112,200

7 (d-20) Notwithstanding any other provision of State law to  
8 the contrary, on or after July 1, 2006 and until June 30, 2007,  
9 in addition to any other transfers that may be provided for by  
10 law, at the direction of and upon notification of the Director  
11 of Central Management Services, the State Comptroller shall  
12 direct and the State Treasurer shall transfer amounts into the  
13 Workers' Compensation Revolving Fund from the designated funds  
14 not exceeding the following totals:

15	Mental Health Fund .....	\$19,121,800
16	Statistical Services Revolving Fund .....	\$1,353,700
17	Department of Corrections Reimbursement	
18	and Education Fund .....	\$1,295,300
19	Communications Revolving Fund .....	\$578,600
20	Child Support Administrative Fund .....	\$477,600
21	Health Insurance Reserve Fund .....	\$258,200
22	Fire Prevention Fund .....	\$253,000
23	Park and Conservation Fund .....	\$153,500
24	Motor Fuel Tax Fund .....	\$143,500
25	Illinois Workers' Compensation	
26	Commission Operations Fund .....	\$133,900

1	State Boating Act Fund .....	\$121,400
2	Public Utility Fund .....	\$115,100
3	State Lottery Fund .....	\$109,500
4	Traffic and Criminal Conviction Surcharge Fund ..	\$95,700
5	State Surplus Property Revolving Fund .....	\$89,400
6	Natural Areas Acquisition Fund .....	\$70,800
7	Securities Audit and Enforcement Fund .....	\$70,400
8	Agricultural Premium Fund .....	\$68,500
9	State Gaming Fund .....	\$58,600
10	Underground Storage Tank Fund .....	\$58,000
11	Illinois State Medical Disciplinary Fund .....	\$57,200
12	Personal Property Tax Replacement Fund .....	\$57,200
13	General Professions Dedicated Fund .....	\$56,100
14	Total	\$24,797,000

15 (d-25) Notwithstanding any other provision of State law to  
16 the contrary and in addition to any other transfers that may be  
17 provided for by law, on July 1, 2009, or as soon as may be  
18 practical thereafter, the State Comptroller shall direct and  
19 the State Treasurer shall transfer from each designated fund  
20 into the Workers' Compensation Revolving Fund the following  
21 amounts:

22	General Revenue Fund .....	\$55,000,000
23	Road Fund .....	\$34,803,000
24	Total	\$89,803,000

25 (d-30) Notwithstanding any other provision of State law to  
26 the contrary, on or after July 1, 2009 and until June 30, 2010,

1 in addition to any other transfers that may be provided for by  
2 law, at the direction of and upon notification of the Director  
3 of Central Management Services, the State Comptroller shall  
4 direct and the State Treasurer shall transfer amounts into the  
5 Workers' Compensation Revolving Fund from the designated funds  
6 not exceeding the following totals:

7	Food and Drug Safety Fund .....	\$13,900
8	Teacher Certificate Fee Revolving Fund .....	\$6,500
9	Transportation Regulatory Fund .....	\$14,500
10	Financial Institution Fund .....	\$25,200
11	General Professions Dedicated Fund .....	\$25,300
12	Illinois Veterans' Rehabilitation Fund .....	\$64,600
13	State Boating Act Fund .....	\$177,100
14	State Parks Fund .....	\$104,300
15	Lobbyist Registration Administration Fund .....	\$14,400
16	Agricultural Premium Fund .....	\$79,100
17	Fire Prevention Fund .....	\$360,200
18	Mental Health Fund .....	\$9,725,200
19	Illinois State Pharmacy Disciplinary Fund .....	\$5,600
20	Public Utility Fund .....	\$40,900
21	Radiation Protection Fund .....	\$14,200
22	Firearm Owner's Notification Fund .....	\$1,300
23	Solid Waste Management Fund .....	\$74,100
24	Illinois Gaming Law Enforcement Fund .....	\$17,800
25	Subtitle D Management Fund .....	\$14,100
26	Illinois State Medical Disciplinary Fund .....	\$26,500

1	Facility Licensing Fund .....	\$11,700
2	Plugging and Restoration Fund .....	\$9,100
3	Explosives Regulatory Fund .....	\$2,300
4	Aggregate Operations Regulatory Fund .....	\$5,000
5	Coal Mining Regulatory Fund .....	\$1,900
6	Registered Certified Public Accountants'	
7	Administration and Disciplinary Fund .....	\$1,500
8	Weights and Measures Fund .....	\$56,100
9	Division of Corporations Registered	
10	Limited Liability Partnership Fund .....	\$3,900
11	Illinois School Asbestos Abatement Fund .....	\$14,000
12	Secretary of State Special License Plate Fund ....	\$30,700
13	Capital Development Board Revolving Fund .....	\$27,000
14	DCFS Children's Services Fund .....	\$69,300
15	Asbestos Abatement Fund .....	\$17,200
16	Illinois Health Facilities Planning Fund .....	\$26,800
17	Emergency Public Health Fund .....	\$5,600
18	Nursing Dedicated and Professional Fund .....	\$10,000
19	Optometric Licensing and Disciplinary	
20	Board Fund .....	\$1,600
21	Underground Resources Conservation	
22	Enforcement Fund .....	\$11,500
23	Drunk and Drugged Driving Prevention Fund .....	\$18,200
24	Long Term Care Monitor/Receiver Fund .....	\$35,400
25	Community Water Supply Laboratory Fund .....	\$5,600
26	Securities Investors Education Fund .....	\$2,000

1	Used Tire Management Fund .....	\$32,400
2	Natural Areas Acquisition Fund .....	\$101,200
3	Open Space Lands Acquisition	
4	and Development Fund .....	\$28,400
5	Working Capital Revolving Fund .....	\$489,100
6	State Garage Revolving Fund .....	\$791,900
7	Statistical Services Revolving Fund .....	\$3,984,700
8	Communications Revolving Fund .....	\$1,432,800
9	Facilities Management Revolving Fund .....	\$1,911,600
10	Professional Services Fund .....	\$483,600
11	Motor Vehicle Review Board Fund .....	\$15,000
12	Environmental Laboratory Certification Fund .....	\$3,000
13	Public Health Laboratory Services	
14	Revolving Fund .....	\$2,500
15	Lead Poisoning Screening, Prevention,	
16	and Abatement Fund .....	\$28,200
17	Securities Audit and Enforcement Fund .....	\$258,400
18	Department of Business Services	
19	Special Operations Fund .....	\$111,900
20	Feed Control Fund .....	\$20,800
21	Tanning Facility Permit Fund .....	\$5,400
22	Plumbing Licensure and Program Fund .....	\$24,400
23	Tax Compliance and Administration Fund .....	\$27,200
24	Appraisal Administration Fund .....	\$2,400
25	Small Business Environmental Assistance Fund .....	\$2,200
26	Illinois State Fair Fund .....	\$31,400

1	Secretary of State Special Services Fund .....	\$317,600
2	Department of Corrections Reimbursement	
3	and Education Fund .....	\$324,500
4	Health Facility Plan Review Fund .....	\$31,200
5	Illinois Historic Sites Fund .....	\$11,500
6	Attorney General Court Ordered and Voluntary	
7	Compliance Payment Projects Fund .....	\$18,500
8	Public Pension Regulation Fund .....	\$5,600
9	Illinois Charity Bureau Fund .....	\$11,400
10	Renewable Energy Resources Trust Fund .....	\$6,700
11	Energy Efficiency Trust Fund .....	\$3,600
12	Pesticide Control Fund .....	\$56,800
13	Attorney General Whistleblower Reward	
14	and Protection Fund .....	\$14,200
15	Partners for Conservation Fund .....	\$36,900
16	Capital Litigation Trust Fund .....	\$800
17	Motor Vehicle License Plate Fund .....	\$99,700
18	Horse Racing Fund .....	\$18,900
19	Death Certificate Surcharge Fund .....	\$12,800
20	Auction Regulation Administration Fund .....	\$500
21	Motor Carrier Safety Inspection Fund .....	\$55,800
22	Assisted Living and Shared Housing	
23	Regulatory Fund .....	\$900
24	Illinois Thoroughbred Breeders Fund .....	\$9,200
25	Illinois Clean Water Fund .....	\$42,300
26	Secretary of State DUI Administration Fund .....	\$16,100

1	Child Support Administrative Fund .....	\$1,037,900
2	Secretary of State Police Services Fund .....	\$1,200
3	Tourism Promotion Fund .....	\$34,400
4	IMSA Income Fund .....	\$12,700
5	Presidential Library and Museum Operating Fund ..	\$83,000
6	Dram Shop Fund .....	\$44,500
7	Illinois State Dental Disciplinary Fund .....	\$5,700
8	Cycle Rider Safety Training Fund .....	\$8,700
9	Traffic and Criminal Conviction Surcharge Fund ..	\$106,100
10	Design Professionals Administration	
11	and Investigation Fund .....	\$4,500
12	State Police Services Fund .....	\$276,100
13	Metabolic Screening and Treatment Fund .....	\$90,800
14	Insurance Producer Administration Fund .....	\$45,600
15	Coal Technology Development Assistance Fund .....	\$11,700
16	Hearing Instrument Dispenser Examining	
17	and Disciplinary Fund .....	\$1,900
18	Low-Level Radioactive Waste Facility	
19	Development and Operation Fund .....	\$1,000
20	Environmental Protection Permit and	
21	Inspection Fund .....	\$66,900
22	Park and Conservation Fund .....	\$199,300
23	Local Tourism Fund .....	\$2,400
24	Illinois Capital Revolving Loan Fund .....	\$10,000
25	Large Business Attraction Fund .....	\$100
26	Adeline Jay Geo-Karis Illinois Beach	

1	Marina Fund.....	\$27,200
2	Public Infrastructure Construction	
3	Loan Revolving Fund.....	\$1,700
4	Insurance Financial Regulation Fund.....	\$69,200
5	Total	\$24,197,800

6 (d-35) Notwithstanding any other provision of State law to  
7 the contrary and in addition to any other transfers that may be  
8 provided for by law, on July 1, 2010, or as soon as may be  
9 practical thereafter, the State Comptroller shall direct and  
10 the State Treasurer shall transfer from each designated fund  
11 into the Workers' Compensation Revolving Fund the following  
12 amounts:

13	General Revenue Fund .....	\$55,000,000
14	Road Fund.....	\$50,955,300
15	Total	\$105,955,300

16 (d-40) Notwithstanding any other provision of State law to  
17 the contrary, on or after July 1, 2010 and until June 30, 2011,  
18 in addition to any other transfers that may be provided for by  
19 law, at the direction of and upon notification of the Director  
20 of Central Management Services, the State Comptroller shall  
21 direct and the State Treasurer shall transfer amounts into the  
22 Workers' Compensation Revolving Fund from the designated funds  
23 not exceeding the following totals:

24	Food and Drug Safety Fund .....	\$8,700
25	Financial Institution Fund .....	\$44,500
26	General Professions Dedicated Fund .....	\$51,400

1	Live and Learn Fund .....	\$10,900
2	Illinois Veterans' Rehabilitation Fund .....	\$106,000
3	State Boating Act Fund .....	\$288,200
4	State Parks Fund .....	\$185,900
5	Wildlife and Fish Fund .....	\$1,550,300
6	Lobbyist Registration Administration Fund .....	\$18,100
7	Agricultural Premium Fund .....	\$176,100
8	Mental Health Fund .....	\$291,900
9	Firearm Owner's Notification Fund .....	\$2,300
10	Illinois Gaming Law Enforcement Fund .....	\$11,300
11	Illinois State Medical Disciplinary Fund .....	\$42,300
12	Facility Licensing Fund .....	\$14,200
13	Plugging and Restoration Fund .....	\$15,600
14	Explosives Regulatory Fund .....	\$4,800
15	Aggregate Operations Regulatory Fund .....	\$6,000
16	Coal Mining Regulatory Fund .....	\$7,200
17	Registered Certified Public Accountants'	
18	Administration and Disciplinary Fund .....	\$1,900
19	Weights and Measures Fund .....	\$105,200
20	Division of Corporations Registered	
21	Limited Liability Partnership Fund .....	\$5,300
22	Illinois School Asbestos Abatement Fund .....	\$19,900
23	Secretary of State Special License Plate Fund ....	\$38,700
24	DCFS Children's Services Fund .....	\$123,100
25	Illinois Health Facilities Planning Fund .....	\$29,700
26	Emergency Public Health Fund .....	\$6,800

1	Nursing Dedicated and Professional Fund .....	\$13,500
2	Optometric Licensing and Disciplinary	
3	Board Fund .....	\$1,800
4	Underground Resources Conservation	
5	Enforcement Fund .....	\$16,500
6	Mandatory Arbitration Fund .....	\$5,400
7	Drunk and Drugged Driving Prevention Fund .....	\$26,400
8	Long Term Care Monitor/Receiver Fund .....	\$43,800
9	Securities Investors Education Fund .....	\$28,500
10	Used Tire Management Fund .....	\$6,300
11	Natural Areas Acquisition Fund .....	\$185,000
12	Open Space Lands Acquisition and	
13	Development Fund .....	\$46,800
14	Working Capital Revolving Fund .....	\$741,500
15	State Garage Revolving Fund .....	\$356,200
16	Statistical Services Revolving Fund .....	\$1,775,900
17	Communications Revolving Fund .....	\$630,600
18	Facilities Management Revolving Fund .....	\$870,800
19	Professional Services Fund .....	\$275,500
20	Motor Vehicle Review Board Fund .....	\$12,900
21	Public Health Laboratory Services	
22	Revolving Fund .....	\$5,300
23	Lead Poisoning Screening, Prevention,	
24	and Abatement Fund .....	\$42,100
25	Securities Audit and Enforcement Fund .....	\$162,700
26	Department of Business Services	

1	Special Operations Fund .....	\$143,700
2	Feed Control Fund .....	\$32,300
3	Tanning Facility Permit Fund .....	\$3,900
4	Plumbing Licensure and Program Fund .....	\$32,600
5	Tax Compliance and Administration Fund .....	\$48,400
6	Appraisal Administration Fund .....	\$3,600
7	Illinois State Fair Fund .....	\$30,200
8	Secretary of State Special Services Fund .....	\$214,400
9	Department of Corrections Reimbursement	
10	and Education Fund .....	\$438,300
11	Health Facility Plan Review Fund .....	\$29,900
12	Public Pension Regulation Fund .....	\$9,900
13	Pesticide Control Fund .....	\$107,500
14	Partners for Conservation Fund .....	\$189,300
15	Motor Vehicle License Plate Fund .....	\$143,800
16	Horse Racing Fund .....	\$20,900
17	Death Certificate Surcharge Fund .....	\$16,800
18	Auction Regulation Administration Fund .....	\$1,000
19	Motor Carrier Safety Inspection Fund .....	\$56,800
20	Assisted Living and Shared Housing	
21	Regulatory Fund .....	\$2,200
22	Illinois Thoroughbred Breeders Fund .....	\$18,100
23	Secretary of State DUI Administration Fund .....	\$19,800
24	Child Support Administrative Fund .....	\$1,809,500
25	Secretary of State Police Services Fund .....	\$2,500
26	Medical Special Purposes Trust Fund .....	\$20,400

1	Dram Shop Fund .....	\$57,200
2	Illinois State Dental Disciplinary Fund .....	\$9,500
3	Cycle Rider Safety Training Fund .....	\$12,200
4	Traffic and Criminal Conviction Surcharge Fund ..	\$128,900
5	Design Professionals Administration	
6	and Investigation Fund .....	\$7,300
7	State Police Services Fund .....	\$335,700
8	Metabolic Screening and Treatment Fund .....	\$81,600
9	Insurance Producer Administration Fund .....	\$77,000
10	Hearing Instrument Dispenser Examining	
11	and Disciplinary Fund .....	\$1,900
12	Park and Conservation Fund .....	\$361,500
13	Adeline Jay Geo-Karis Illinois Beach	
14	Marina Fund.....	\$42,800
15	Insurance Financial Regulation Fund .....	\$108,000
16	Total	\$13,033,200

17 (d-45) Notwithstanding any other provision of State law to  
18 the contrary and in addition to any other transfers that may be  
19 provided for by law, on July 1, 2011, or as soon as may be  
20 practical thereafter, the State Comptroller shall direct and  
21 the State Treasurer shall transfer the sum of \$45,000,000 from  
22 the General Revenue Fund into the Workers' Compensation  
23 Revolving Fund.

24 (e) The term "workers' compensation services" means  
25 services, claims expenses, and related administrative costs  
26 incurred in performing the duties under Sections 405-105 and

1 405-411 of the Department of Central Management Services Law of  
2 the Civil Administrative Code of Illinois.

3 (Source: P.A. 96-45, eff. 7-15-09; 96-959, eff. 7-1-10; 97-641,  
4 eff. 12-19-11; 97-895, eff. 8-3-12.)

5 Section 10. The Illinois Procurement Code is amended by  
6 changing Section 45-57 as follows:

7 (30 ILCS 500/45-57)

8 Sec. 45-57. Veterans.

9 (a) Set-aside goal. It is the goal of the State to promote  
10 and encourage the continued economic development of small  
11 businesses owned and controlled by qualified veterans and that  
12 qualified service-disabled veteran-owned small businesses  
13 (referred to as SDVOSB) and veteran-owned small businesses  
14 (referred to as VOSB) participate in the State's procurement  
15 process as both prime contractors and subcontractors. Not less  
16 than 3% of the total dollar amount of State contracts, as  
17 defined by the Director of Central Management Services, shall  
18 be established as a goal to be awarded to SDVOSB and VOSB. That  
19 portion of a contract under which the contractor subcontracts  
20 with a SDVOSB or VOSB may be counted toward the goal of this  
21 subsection. The Department of Central Management Services  
22 shall adopt rules to implement compliance with this subsection  
23 by all State agencies.

24 (b) Fiscal year reports. By each September 1, each chief

1 procurement officer shall report to the Department of Central  
2 Management Services on all of the following for the immediately  
3 preceding fiscal year, and by each March 1 the Department of  
4 Central Management Services shall compile and report that  
5 information to the General Assembly:

6 (1) The total number of VOSB, and the number of SDVOSB,  
7 who submitted bids for contracts under this Code.

8 (2) The total number of VOSB, and the number of SDVOSB,  
9 who entered into contracts with the State under this Code  
10 and the total value of those contracts.

11 (c) Yearly review and recommendations. Each year, each  
12 chief procurement officer shall review the progress of all  
13 State agencies under its jurisdiction in meeting the goal  
14 described in subsection (a), with input from statewide  
15 veterans' service organizations and from the business  
16 community, including businesses owned by qualified veterans,  
17 and shall make recommendations to be included in the Department  
18 of Central Management Services' report to the General Assembly  
19 regarding continuation, increases, or decreases of the  
20 percentage goal. The recommendations shall be based upon the  
21 number of businesses that are owned by qualified veterans and  
22 on the continued need to encourage and promote businesses owned  
23 by qualified veterans.

24 (d) Governor's recommendations. To assist the State in  
25 reaching the goal described in subsection (a), the Governor  
26 shall recommend to the General Assembly changes in programs to

1 assist businesses owned by qualified veterans.

2 (e) Definitions. As used in this Section:

3 "Armed forces of the United States" means the United States  
4 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in  
5 active duty as defined under 38 U.S.C. Section 101. Service in  
6 the Merchant Marine that constitutes active duty under Section  
7 401 of federal Public Act 95-202 shall also be considered  
8 service in the armed forces for purposes of this Section.

9 "Certification" means a determination made by the Illinois  
10 Department of Veterans' Affairs and the Department of Central  
11 Management Services that a business entity is a qualified  
12 service-disabled veteran-owned small business or a qualified  
13 veteran-owned small business for whatever purpose. A SDVOSB or  
14 VOSB owned and controlled by females, minorities, or persons  
15 with disabilities, as those terms are defined in Section 2 of  
16 the Business Enterprise for Minorities, Females, and Persons  
17 with Disabilities Act, may also ~~shall~~ select and designate  
18 whether that business is to be certified as a "female-owned  
19 business", "minority-owned business", or "business owned by a  
20 person with a disability", as defined in Section 2 of the  
21 Business Enterprise for Minorities, Females, and Persons with  
22 Disabilities Act, ~~or as a qualified SDVOSB or qualified VOSB~~  
23 ~~under this Section.~~

24 "Control" means the exclusive, ultimate, majority, or sole  
25 control of the business, including but not limited to capital  
26 investment and all other financial matters, property,

1 acquisitions, contract negotiations, legal matters,  
2 officer-director-employee selection and comprehensive hiring,  
3 operation responsibilities, cost-control matters, income and  
4 dividend matters, financial transactions, and rights of other  
5 shareholders or joint partners. Control shall be real,  
6 substantial, and continuing, not pro forma. Control shall  
7 include the power to direct or cause the direction of the  
8 management and policies of the business and to make the  
9 day-to-day as well as major decisions in matters of policy,  
10 management, and operations. Control shall be exemplified by  
11 possessing the requisite knowledge and expertise to run the  
12 particular business, and control shall not include simple  
13 majority or absentee ownership.

14 "Qualified service-disabled veteran" means a veteran who  
15 has been found to have 10% or more service-connected disability  
16 by the United States Department of Veterans Affairs or the  
17 United States Department of Defense.

18 "Qualified service-disabled veteran-owned small business"  
19 or "SDVOSB" means a small business (i) that is at least 51%  
20 owned by one or more qualified service-disabled veterans living  
21 in Illinois or, in the case of a corporation, at least 51% of  
22 the stock of which is owned by one or more qualified  
23 service-disabled veterans living in Illinois; (ii) that has its  
24 home office in Illinois; and (iii) for which items (i) and (ii)  
25 are factually verified annually by the Department of Central  
26 Management Services.

1 "Qualified veteran-owned small business" or "VOSB" means a  
2 small business (i) that is at least 51% owned by one or more  
3 qualified veterans living in Illinois or, in the case of a  
4 corporation, at least 51% of the stock of which is owned by one  
5 or more qualified veterans living in Illinois; (ii) that has  
6 its home office in Illinois; and (iii) for which items (i) and  
7 (ii) are factually verified annually by the Department of  
8 Central Management Services.

9 "Service-connected disability" means a disability incurred  
10 in the line of duty in the active military, naval, or air  
11 service as described in 38 U.S.C. 101(16).

12 "Small business" means a business that has annual gross  
13 sales of less than \$75,000,000 as evidenced by the federal  
14 income tax return of the business. A firm with gross sales in  
15 excess of this cap may apply to the Department of Central  
16 Management Services for certification for a particular  
17 contract if the firm can demonstrate that the contract would  
18 have significant impact on SDVOSB or VOSB as suppliers or  
19 subcontractors or in employment of veterans or  
20 service-disabled veterans.

21 "State agency" has the same meaning as in Section 2 of the  
22 Business Enterprise for Minorities, Females, and Persons with  
23 Disabilities Act.

24 "Time of hostilities with a foreign country" means any  
25 period of time in the past, present, or future during which a  
26 declaration of war by the United States Congress has been or is

1 in effect or during which an emergency condition has been or is  
2 in effect that is recognized by the issuance of a Presidential  
3 proclamation or a Presidential executive order and in which the  
4 armed forces expeditionary medal or other campaign service  
5 medals are awarded according to Presidential executive order.

6 "Veteran" means a person who (i) has been a member of the  
7 armed forces of the United States or, while a citizen of the  
8 United States, was a member of the armed forces of allies of  
9 the United States in time of hostilities with a foreign country  
10 and (ii) has served under one or more of the following  
11 conditions: (a) the veteran served a total of at least 6  
12 months; (b) the veteran served for the duration of hostilities  
13 regardless of the length of the engagement; (c) the veteran was  
14 discharged on the basis of hardship; or (d) the veteran was  
15 released from active duty because of a service connected  
16 disability and was discharged under honorable conditions.

17 (f) Certification program. The Illinois Department of  
18 Veterans' Affairs and the Department of Central Management  
19 Services shall work together to devise a certification  
20 procedure to assure that businesses taking advantage of this  
21 Section are legitimately classified as qualified  
22 service-disabled veteran-owned small businesses or qualified  
23 veteran-owned small businesses.

24 (g) Penalties.

25 (1) Administrative penalties. The Department of  
26 Central Management Services shall suspend any person who

1           commits a violation of Section 17-10.3 or subsection (d) of  
2           Section 33E-6 of the Criminal Code of 1961 or the Criminal  
3           Code of 2012 relating to this Section from bidding on, or  
4           participating as a contractor, subcontractor, or supplier  
5           in, any State contract or project for a period of not less  
6           than 3 years, and, if the person is certified as a  
7           service-disabled veteran-owned small business or a  
8           veteran-owned small business, then the Department shall  
9           revoke the business's certification for a period of not  
10          less than 3 years. An additional or subsequent violation  
11          shall extend the periods of suspension and revocation for a  
12          period of not less than 5 years. The suspension and  
13          revocation shall apply to the principals of the business  
14          and any subsequent business formed or financed by, or  
15          affiliated with, those principals.

16           (2) Reports of violations. Each State agency shall  
17          report any alleged violation of Section 17-10.3 or  
18          subsection (d) of Section 33E-6 of the Criminal Code of  
19          1961 or the Criminal Code of 2012 relating to this Section  
20          to the Department of Central Management Services. The  
21          Department of Central Management Services shall  
22          subsequently report all such alleged violations to the  
23          Attorney General, who shall determine whether to bring a  
24          civil action against any person for the violation.

25           (3) List of suspended persons. The Department of  
26          Central Management Services shall monitor the status of all

1 reported violations of Section 17-10.3 or subsection (d) of  
2 Section 33E-6 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012 relating to this Section and shall maintain  
4 and make available to all State agencies a central listing  
5 of all persons that committed violations resulting in  
6 suspension.

7 (4) Use of suspended persons. During the period of a  
8 person's suspension under paragraph (1) of this  
9 subsection, a State agency shall not enter into any  
10 contract with that person or with any contractor using the  
11 services of that person as a subcontractor.

12 (5) Duty to check list. Each State agency shall check  
13 the central listing provided by the Department of Central  
14 Management Services under paragraph (3) of this subsection  
15 to verify that a person being awarded a contract by that  
16 State agency, or to be used as a subcontractor or supplier  
17 on a contract being awarded by that State agency, is not  
18 under suspension pursuant to paragraph (1) of this  
19 subsection.

20 (Source: P.A. 96-96, eff. 1-1-10; 97-260, eff. 8-5-11; 97-1150,  
21 eff. 1-25-13.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."